

REMARKS

Upon entry of the present paper, Applicants will have elected, with traverse, Group I that includes claims 1-18, and claims 10, 11, 19, and 20 will have been amended for consideration by the Examiner.

The Examiner indicated that the present application contains claims drawn to two inventions, as follows:

Group I Claims 1-18, drawn to apparatus of multi-air conditioner, classified in class 62, subclass 324.6.

Group II Claims 19 and 20, drawn to method of operation, classified in class 62, subclass 160.

Next, the Examiner further asserted that the invention of group II (claims 19 and 20), is directed to two distinct species. The first species being set forth in claim 19 (species II-A) and the second species being set forth in claim 20 (species II-B).

Applicants respectfully traverse the above Restriction Requirement and submit that it is inappropriate. Applicants submit that all claims currently pending in the application are directed toward a multi-air conditioner with, inter alia, multiple units, a switchable four-way valve, and a closeable expansion valve.

For restriction to be proper between a process and apparatus for its practice, the Examiner must show that either: (A) the process as claimed can be practiced by another materially different apparatus or by hand; or (B) the apparatus as claimed can be used to practice another and materially different process.

The MPEP states that when one of these factors cannot be shown, such inventions are not distinct. In the present application, Applicants respectfully assert that the Examiner has not shown that either requirement has been met.

In this regard, the operating method for the multi-air conditioner of claims 19 and 20 cannot be practiced by another materially different multi-air conditioner from that of claims 1-18 or by hand; and the apparatus as claimed in claims 1-18 cannot be used to practice another and materially different process.

More specifically, the steps recited in claim 19 are related to the multi-air conditioner as recited in claims 12-17. The switching of the four-way valve and closing the expansion valve in claim 19 are related to the structure of the multi-air conditioner of claims 12 and 13 which recites when all or a majority of the multi-air conditioner indoor units operate in the cooling mode, the four-way valve is switched, and when all of the multi-air conditioner units operate in the cooling mode, the expansion valve is closed.

With respect to claim 20, sensing a temperature between the outdoor heat exchanger and the gas-liquid separator in the operation method of a multi-air conditioner

of claim 20, as amended, is related to the temperature sensor that senses a temperature between the outdoor heat exchanger and the gas-liquid separator as recited in the multi-air conditioner of claim 11.

Thus, it is respectfully asserted that the that the process as claimed in claims 19 and 20 cannot be practiced by another materially different apparatus or by hand, and the apparatus as claimed in claims 1-18 cannot be used to practice another and materially different process for at least the reasons noted above.

Moreover, the Restriction Requirement set forth by the Examiner omits one of the two criteria for a proper Restriction Requirement now established by the U.S. Patent and Trademark Office policy. As set forth in MPEP § 803 "an appropriate explanation" must be set forth by the Examiner as to the existence of a "serious burden" if the Restriction Requirement were not required.

Further with respect to the Requirement for Election of Species, Applicants note that for a Requirement for Election of Species to be proper, there must be an indication that, for example, the features of claims 19 or 20 are not in any way "capable of use together" (i.e. are mutually exclusive). See MPEP 806.04. However, Applicants respectfully submit that the features of the invention recited in claim 19 could be used with the features of claim 20, at least because the features of claim 19 do not mutually exclude the features of claim 20. Accordingly, Applicants respectfully submit that the

P24057.A03

Election of Species Requirement does not comply with the requirement of MPEP 803 for a showing of serious burden, or under the definition of MPEP 806.04 of "Independent Inventions". Until such a serious burden and a showing of the independence (mutually exclusive species) of the claimed species is shown, Applicants respectfully assert that the above-noted Election of Species requirement is improper.

For all of these reasons, and consistent with the Office Policy as set forth in MPEP § 803, Applicants respectfully request that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the Restriction Requirement in the present application. Accordingly, the Examiner's Restriction Requirement is believed to be improper and has been traversed for the reasons set forth above.


Nevertheless, in order to be fully responsive, Applicants have elected with traverse the invention of Group I that includes claims 1-18 in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Additionally, minor amendments have been made to claims 10, 11, 19, and 20 in order to make the language of the claims more appropriate and eliminate "means for" and/or "step for" terminology. The amendments to the claims made in this amendment have not been made to overcome the prior art, and thus, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P24057.A03

Should the Examiner have any questions or comments regarding the present response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Jong Han PARK et al.



Bruce H. Bernstein
Reg. No. 29,027

April 30, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191